IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1984 of 1997

Between:

1 Rongali Chinnam Naidu, S/o Lakchumunaidu,
R/o Ravivalasa Village, H/o Lakshnapuram Village,
Garugubilli Mandal, Vizianagaram District.
2 Rongali Ganga Bhavani W/O Chinnam Naidu,
R/o Ravivalasa Village, H/o Lakshnapuram Village,
Garugubilli Mandal, Vizianagaram District.
3 Rongali Regalamma W/O Chinnam Naidu,
R/o Ravivalasa Village, H/o Lakshnapuram Village,
Garugubilli Mandal, Vizianagaram District.
4 Gulla Appamma W/o. Appalanaidu,
R/o Ravivalasa Village, H/o Lakshnapuram Village,
Garugubilli Mandal, Vizianagaram District.
5 Gulla Chinnamma, W/O Appalanaidu,
R/o Ravivalasa Village, H/o Lakshnapuram Village,
Garugubilli Mandal, Vizianagaram District.
6 Marrapu Aruna, W/O Swamynaidu,
R/o Ravivalasa Village, H/o Lakshnapuram Village,
Garugubilli Mandal, Vizianagaram District.
7 Gulipalli Simhachalam, S/o Chinababu
R/o Ravivalasa Village, H/o Lakshnapuram Village,
Garugubilli Mandal, Vizianagaram District.
8 Penta Krishna Setty, S/o Appi Setty,
R/o Ravivalasa Village, H/o Lakshnapuram Village,
Garugubilli Mandal, Vizianagaram District.
9 Ganta Somulamma W/O Appalanaidu,
R/o Ravivalasa Village, H/o Lakshnapuram Village,
Garugubilli Mandal, Vizianagaram District.
10 Arnipalli dalappadu, S/o Chinam Naidu,
R/o Ravivalasa Village, H/o Lakshnapuram Village,
Garugubilli Mandal, Vizianagaram District.
11 Marada Papinaidu, S/o Appalanaidu,
R/o Ravivalasa Village, H/o Lakshnapuram Village,
Garugubilli Mandal, Vizianagaram District.

12 Akkena Rajeswari W/O Sivunnaidu,
R/o Ravivalasa Village, H/o Lakshnapuram Village,
Garugubilli Mandal, Vizianagaram District.

..... PETITIONERS

AND

1 Joint Collector,
Vizianagaram, Vizianagaram District.
2 Revenue Divisional Officer,
Parvathipuram, Vizianagaram District.
3 Mandal Revenue officer,
Garugubilli Mandal, Vizianagaram District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a proper writ, order or direction more particularly a writ in the nature of Writ of Mandamus declaring the notification U/s 4 of the Land Acquisition Act dt.3-1-1996 proposing to acquire land in Survey No.435/1 to10, 438/9 to11 and 439/1 to 3 in Ravivalasa Village, H/o Lakhnapuram village Garugubilli Mandal, Vizianagaram District as illegal and void and consequently quash the same.

Counsel for the Petitioners:MR.A.RAVI SHANKAR

Counsel for the Respondents.: GP FOR SOCIAL WELFARE

The Court made the following :

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1984 of 1997

ORDER:

Heard both the Counsel.

This writ petition is filed for a writ or direction declaring the notification under Section 4 of the Land Acquisition Act (for short 'the Act'), dated 3.1.1996 proposing to acquire land in Survey No.435/1 to 10, 438/9 to 11 and 439/1 to 3 in Ravivalasa village, H/o Lakhnapuram village, Garugubilli Mandal, Vizianagaram District as illegal, void and consequently to quash the same and pass such suitable orders.

The grounds of the petition are that the petitioners are small farmers and the Joint Collector, Vizianagaram is not competent to issue notification under Section 4 of the Act. Apart from that, the other grounds also had been raised.

A counter-affidavit had been filed in this regard.

The learned Government Pleader for Land Acquisition would contend that the Joint Collector is not competent to issue the notification in question. The learned Government Pleader also submits that no possession had been taken in pursuance of the notification issued under section 4 (1) of the Act.

In the light of the above submission, the other grounds raised by the petitioners need not be taken into consideration inasmuch as a notification had been issued by incompetent authority. Accordingly, the notification issued under Section 4 (1) of the Act is hereby quashed on the ground that competent authority had not issued the said notification.

The writ petition is hereby allowed. No order as to costs.

11th February, 2005

Nn.

That Rule Nisi has been made absolute as above.

Witness the Hon’ble Sri Devinder Gupta, the Chief Justice on this

Friday, the Eleventh day of February, Two thousand and five.

REGISTRAR

Copy to:

1 The Joint Collector,
Vizianagaram, Vizianagaram District.
2 The Revenue Divisional Officer,
Parvathipuram, Vizianagaram District.
3 The Mandal Revenue officer,
Garugubilli Mandal, Vizianagaram District.

4. Two C.Cs to the Government Pleader for Social Welfare, High Court

Buildings, High Court of A.P., Hyderabad (O.U.T.)

5. Two C.D. copies.